



MINUTES OF A CALLED MEETING OF THE
BOARD OF ADJUSTMENTS OF
CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, MARCH 10, 2010
7:00 P.M. AT CITY HALL, 3205 JONES ROAD

Present:

Susan Durso, Chair
Sandy Cox
Steve Borochoff
Thomas Cedel
Marshall McHone

Staff:

Clay Collins

Residents:

Donald Hurwitz
Zubair Hamir

A-1: Call to Order

Susan Durso called the meeting to order at 7:05 p.m.

A-2: Approval of Minutes from July 15, 2009 meeting

Motion was made by Marshal McHone and seconded by Thomas Cedel to approve the minutes from the July 15, 2009 meeting and all voted yes and the motion carried.

A-3: Public Hearing on an application submitted by Donald Hurwitz for a variance from Section 2.604 of the Land Development Code to plat two residential lots that do not have the required lot depth of 300 feet. The two lots are proposed to be platted from a 4.961 acre tract at the southeast corner of Brodie Lane and Oakdale Drive.

The public hearing was opened.

Donald Hurwitz, 757 Oakdale was present to describe his request. Mr. Hurwitz presented photographs his property showing the location of the proposed new lot on the eastern end and his intention to allow his daughter to build a home on the new lot.

There were questions from Board members regarding other possible options that might not require a variance.

The Chair asked the applicant if he would be willing to agree to not further subdivide the property and the applicant answered "no". The chair asked if the applicant would be willing to not request future use of portion of the property on Brodie Lane for commercial purposes and the applicant answered "no".

The Chair made reference to the three comment cards that had been received from nearby property owners. One was in favor of the request; another was not in favor and the third card did not check either for or against; however, the Chair noted that the comments were not favorable and that she considered this resident to not be in favor of the request

The Chair asked if there was anyone who would like to speak during the public hearing. Zubair Hamir, 761 Oakdale appeared and indicated that his house is the closest to the new home that could be constructed if the variance is granted and that he did not want to have another home that close to his home. Mr. Hamir also expressed concerns about additional traffic and noise that might occur if the variance was approved.

There being no additional public comments the public hearing was closed.

A-4: Consideration and possible approval of a request by Donald Hurwitz for a variance from Section 2.604 of the Land Development Code to plat two residential lots that do not have the required lot depth of 300 feet. The two lots are proposed to be platted from a 4.961 acre tract at the southeast corner of Brodie Lane and Oakdale Drive.

The Chair asked for a staff report and Clay Collins presented the list of required findings listed in section 2.307(f) of the Land Development Code with a recommendation from the staff regarding approval of the variance based on each of the ten findings.

There was additional discussion among the Board members regarding other possible options for use of the tract to be able to subdivide without requiring a variance. There were questions about how the lot depth is calculated and what impact there is to which way a house is faced on the lot. There was discussion about the option of dividing the tract so that there were two lots that fronted on Brodie Lane.

Board members asked about when the 300 foot depth requirement was put in the code. Staff did not have that specific information but speculated that it was when the Meadows Subdivision was built.

Board members indicated that they would like to have additional information from the City Attorney as to their authority to place conditions on the approval of a variance and also to know when the 300 foot requirement was placed in the code.

Staff indicated that this information could be provided within a two week period.

There was a motion made by Sandy Cox and seconded by Susan Durso to table the request. All members voted yes and the motion carried.

A-5: Consideration of regular meeting date and time for future Board of Adjustments meetings.

Staff advised that the regular meeting date for the Board (if needed) had previously been established as the 2nd Wednesday of the month. This was still a good meeting time for all members, so no action was needed.

With no further business coming before the Board, Susan Durso adjourned the meeting at 7:52 pm.



Susan Durso, Chair